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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,147	12/09/2005	Peter Hoffbauer	APT-2.009.PCT.US	9462
22874	7590	10/14/2008		
GANZ LAW, P.C. P O BOX 2200 HILLSBORO, OR 97123				
EXAMINER				
GONZALEZ, JULIO C				
ART UNIT		PAPER NUMBER		
2834				
MAIL DATE		DELIVERY MODE		
10/14/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/560,147

**Applicant(s)**

HOFBAUER ET AL.

**Examiner**

Julio C. Gonzalez

**Art Unit**

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date 10/10/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group II (claims 10 – 16) in the reply filed on 07/25/08 is acknowledged.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the differential apparatus and the two winding sets as disclosed in the claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the

several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dildine (US 2,823,653) in view of Heniges (US 4,485,768).

Dildine discloses a generating device having an opposed piston 36, 38, opposed cylinder engine (see figure 1) having a ring assembly (generator 16) having a shat 18 and the generator 16 having a magnetic flux generating element (rotor) and current conducting element (stator of generator 16). Dildine teaches

inherently such flux and conducting elements since it is well known in the art that generators produce flux and the stator (fixed element) have conducting elements for transmitting/interacting with the rotor of the generator.

However, Dildine does not disclose having a crankshaft of an engine being connected to a drive shaft.

On the other hand, Heniges discloses for the purpose of changing efficiently the piston stroke and compression ratio of an engine, an opposed piston, opposed cylinder engine having a crankshaft (see figures 3, 7) and such crankshaft is coupled to a driveshaft 13 (see figure 4). Moreover, the assembly has a speed differential apparatus (gears 36-39, 40, device 35) in which gear 36 is disposed on driveshaft 13 and the gears are connected to the crankshaft (see figure 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a generating system as disclosed by Dildine and to have a crankshaft being connected to a driveshaft for the purpose of changing efficiently the piston stroke and compression ratio of an engine as disclosed by Heniges.

5. Claims 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dildine and Heniges as applied to claim 10, 14 above, and further in view of Umeda (US 2002/0135257).

The combined generating apparatus discloses all of the elements above. However, the combined generating apparatus does not disclose using three phase winding in the stator.

On the other hand, Umeda discloses for the purpose of providing a generator that is able to change the output characteristics smoothly that generator 1 (see figure 1) uses two sets of three phase winding in the stator (see figures 6, 9; paragraph 0016).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined generating apparatus as disclosed above and to modify the invention by using two sets of three phase winding in the stator for the purpose of providing a generator that is able to change the output characteristics smoothly as disclosed by Umeda.

6. Claims 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dildine and Heniges as applied to claim 10 above, and further in view of Patarchi (US 6,486,582).

The combined generating apparatus discloses all of the elements above. However, the combined generating apparatus does not disclose that the flux generating elements is made of a plurality of magnets.

On the other hand, Patarchi discloses for the purpose of providing a dynamo electric machine that is reliable and easy to maintain, a magnetic flux generating element being made of a plurality of magnets 10, 11 (see figure 1), which interact with winding 20 of stator 2 (see figure 4). It is also disclosed that the rotor 6 is made of soft iron (column 4, lines 8, 9), thus it is made of a ferrous material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined generating apparatus as disclosed above and to modify the invention by having a magnetic flux generating element being made of a plurality of magnets for the purpose of providing a dynamo electric machine that is reliable and easy to maintain as disclosed by Patarchi.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung can be reached on 571-272-8188. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julio C. Gonzalez/  
Primary Examiner, Art Unit 2834

October 9, 2008

/J. C. G./  
Primary Examiner, Art Unit 2834